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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/520,238	12/30/2004	Willem J. Quadakkers	2002P02127WOUS	5095
759	90 12/14/2005		EXAMINER	
Siemens Corpo		KOEHLER, ROBERT R		
Intellectual Property Department 170 Wood Avenue South			ART UNIT	PAPER NUMBER
Iselin, NJ 08830			1775	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

			Y.
	Application No.	Applicant(s)	
	10/520,238	QUADAKKERS E	T AL.
Office Action Summary	Examiner	Art Unit	
	Robert R. Koehler	1775	
The MAILING DATE of this communication a Period for Reply	appears on the cover sheet v	vith the correspondence ad	ddress
A SHORTENED STATUTORY PERIOD FOR REF WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the may earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUN 1.136(a). In no event, however, may a od will apply and will expire SIX (6) MO tute, cause the application to become A	ICATION. reply be timely filed INTHS from the mailing date of this c RBANDONED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on De	ecember 30, 2005 (Prel. Am	ndt.).	
<u> </u>	his action is non-final.	<u></u> -	
3) Since this application is in condition for allow		tters, prosecution as to the	e merits is
closed in accordance with the practice unde			
Disposition of Claims			
4)⊠ Claim(s) <u>13-32</u> is/are pending in the applica	tion.		
4a) Of the above claim(s) is/are withd			
5) Claim(s) <u>13-21 and 24-31</u> is/are allowed.			
6)⊠ Claim(s) <u>22,23 and 32</u> is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) are subject to restriction and	d/or election requirement.		
Application Papers			
9) The specification is objected to by the Exam	iner.		
10)⊠ The drawing(s) filed on 30 December 2004 is	s/are: a)⊠ accepted or b)[ceil objected to by the Exan	niner.
Applicant may not request that any objection to t	he drawing(s) be held in abeya	ince. See 37 CFR 1.85(a).	
Replacement drawing sheet(s) including the corr	ection is required if the drawing	g(s) is objected to. See 37 Cl	FR 1.121(d).
11)☐ The oath or declaration is objected to by the	Examiner. Note the attached	ed Office Action or form P	ΓO-152.
Priority under 35 U.S.C. § 119			
12)⊠ Acknowledgment is made of a claim for forei a)⊠ All b)□ Some * c)□ None of:	ign priority under 35 U.S.C.	§ 119(a)-(d) or (f).	
 Certified copies of the priority docume 			
Certified copies of the priority docume			
Copies of the certified copies of the p		n received in this National	Stage
application from the International Bure	•		
* See the attached detailed Office action for a l	ist of the certified copies no	t received.	
RRX.			
12-9-05			
Attachment(s)			
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)		Summary (PTO-413) (s)/Mail Date	
 Notice of Draftsperson's Patent Drawing Review (PTO-946) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/Paper No(s)/Mail Date 12302004. 		Informal Patent Application (PTC	O-152)

U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05) Application/Control Number: 10/520,238

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 22, 23, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 22, 23, and 32 are rejected as being vague and indefinite because each claim states that the yttrium of the MCrAlY layer or the outer layer can be added and/or replaced by another element. It is not clear that the claimed alloy composition in each claim can simultaneously contain the element yttrium and have that element replaced by another alloying element.

2. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "the Yttrium of MCrAlY of the intermediate MCrAlY layer or the outer layer" in lines 1 and 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

3. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "the Yttrium of MCrAlY of the intermediate MCrAlY layer or the outer layer" in lines 1 and 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

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4. Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 32 recites the limitation "the Yttrium of MCrAlY of the intermediate MCrAlY layer or the outer layer" in lines 1 and 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Double Patenting

Applicant is advised that should claim 22 be found allowable, claim 23 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Allowable Subject Matter

Claims 13 to 21 and 24 to 31 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The Examiner believes that the prior art does not teach, suggest, or disclose applicants' claimed oxidation resistant component or oxidation resistant turbine component comprising a substrate, a protective intermediate MCrAlY layer near the substrate, and an outer layer arranged on the intermediate MCrAlY layer which contains the elements Al, Ni, Cr, and Co and possesses the structure of the phase β -NiAl.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Robert Koehler whose telephone number is **(571) 272-1536**. The Examiner can normally be reached on Tuesday to Friday from 9:30 AM to 7:00 PM. The Examiner can also be reached on alternate Mondays.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Deborah Jones, can be reached on (571) 272-1535. The official Fax No. is (571) 273-8300, and the After-Final Fax No. is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robett R. Koefle ROBERT R. KOEHLER PRIMARY EXAMINER

Art Unit 1775 December 9, 2005